



MAY 14 2019

FINANCE

NOTICE OF APPEAL INFORMATION

Austin City Code 25-1-461 (Appeal Process on Page 2)

Address of Property in Question 1701 Toomey Road	Permit Number 1991-010757BP 1997-014303 BP
Appellant Filing Appeal Stuart Hersh	Relationship to Property Certificates of Occupancy
Appellant's Status as Interested Party Consultant to Owner Since 2013	Issued in 1991 and 1997
Appellant Contact Information	Permit Holder Contact Information
Name Stuart Hersh	Name Casa de Luz
Street 6703 Woodhue Drive	Street 1701 Toomey Road
City Austin	City Austin
State TX	State TX
Zipcode 78745	Zipcode 78704
Telephone 512-587-5093	Telephone 512-535-0105
E-Mail shersh@austin.tx.com	E-Mail wayo2@me.com
Date of Decision Being Appealed 5/10/19	Date Appeal is Filed 5/14/19
Decision Being Appealed (use additional paper as required): Suspension of certificates of occupancy based on lack of fire department equipment access (Fire Code)	
Reason the appellant believes the decision does not comply with the requirements of the Land Development Code (Title 25) Connection of sprinkler system is an acceptable alternate method of compliance to fire department equipment access	
BELOW FOR CITY USE ONLY	
Hearing Date:	Board or Commission:
Action on Appeal	Date of Action

The applicant must complete page 1 of 2 and sign before this application of appeal is complete. The application will not be processed unless the applicant reads and signs page 2.



APPEAL PROCESS

You may appeal this "STOP WORK ORDER," "REMOVE OR RESTORE," "REVOCATION" or "SUSPENSION OF PERMIT" in accordance with Land Development Code section 25-1-461 by following these requirements:

§ 25-1-461 APPEAL

(A) A person may appeal a stop work order, remove or restore order, revocation, or suspension issued under this division by giving written notice to the accountable official not later than the third day after:

- (1) The stop work order or remove or restore order is posted; or
- (2) The person receives notice of the revocation or suspension.

(B) The notice of appeal must contain:

- (1) The name and address of the appellant;
- (2) A statement of facts;
- (3) The decision being appealed; and
- (4) The reasons the decision should be set aside.

(C) The accountable official shall hear the appeal not later than the third working day after the appeal is filed. The appellant, the appellant's expert, and the department may offer testimony to the accountable official.

(D) The accountable official shall affirm or reverse the department's decision not later than the second working day after the hearing. The official shall give written notice of the decision and a statement of the reasons for the decision to the appellant.

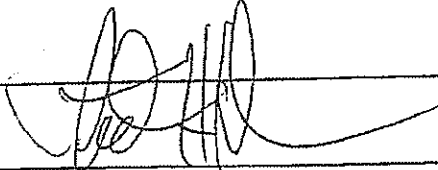
(E) The appellant may appeal the accountable official's decision to the Land Use Commission or appropriate technical board by giving written notice to the accountable official and the presiding officer of the Land Use Commission or appropriate technical board not later than the third working day after receiving notice of the decision. The notice of appeal must contain the information described in Subsection (B).

(F) The Land Use Commission or appropriate technical board shall hear the appeal at the next regularly scheduled meeting following receipt of the notice of appeal. An appeal is automatically granted if the Land Use Commission or appropriate technical board does not hear the appeal before the 21st day following receipt of the notice of appeal.

(G) A stop work order, remove or restore order, suspension, or revocation remains in effect during the pendency of an appeal under this section.

Source: Section 13-1-69; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

By signing this document, I attest to having read and understand my rights as granted by the Land Development Code for the process for appealing a stop work order, remove or restore order, revocation, or suspension.

Signature: 	Date: 5/14/19
--	---------------



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 28, 2018

Mr. Zachary Brown
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-8828

OR2018-07118

Dear Mr. Brown:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 708390 (PIR# 40120).

The City of Austin (the "city") received a request for records pertaining to a specified address. You claim submitted information is excepted from disclosure under section 552.107 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.107(1) of the Government Code protects information subject to the attorney-client privilege. When asserting the attorney-client privilege, a governmental body has the burden of providing the necessary facts to demonstrate the elements of the privilege in order to withhold the information at issue. Open Records Decision No. 676 at 6-7 (2002). First, a governmental body must demonstrate that the information constitutes or documents a communication. *Id.* at 7. Second, the communication must have been made "to facilitate

¹We assume the representative sample of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

5

the rendition of professional legal services” to the client governmental body. TEX. R. EVID. 503(b)(1). The privilege does not apply when an attorney or representative is involved in some capacity other than that of providing or facilitating professional legal services to the client governmental body. *In re Tex. Farmers Ins. Exch.*, 990 S.W.2d 337, 340 (Tex. App.—Texarkana 1999, orig. proceeding) (attorney-client privilege does not apply if attorney acting in a capacity other than that of attorney). Governmental attorneys often act in capacities other than that of professional legal counsel, such as administrators, investigators, or managers. Thus, the mere fact that a communication involves an attorney for the government does not demonstrate this element. Third, the privilege applies only to communications between or among clients, client representatives, lawyers, and lawyer representatives. TEX. R. EVID. 503(b)(1)(A), (B), (C), (D), (E). Thus, a governmental body must inform this office of the identities and capacities of the individuals to whom each communication at issue has been made. Lastly, the attorney-client privilege applies only to a confidential communication, *id.* 503(b)(1), meaning it was “not intended to be disclosed to third persons other than those: (A) to whom disclosure is made to further the rendition of professional legal services to the client; or (B) reasonably necessary to transmit the communication.” *Id.* 503(a)(5). Whether a communication meets this definition depends on the intent of the parties involved at the time the information was communicated. *Osborne v. Johnson*, 954 S.W.2d 180, 184 (Tex. App.—Waco 1997, orig. proceeding). Moreover, because the client may elect to waive the privilege at any time, a governmental body must explain that the confidentiality of a communication has been maintained. Section 552.107(1) generally excepts an entire communication that is demonstrated to be protected by the attorney-client privilege unless otherwise waived by the governmental body. *See Huie v. DeShazo*, 922 S.W.2d 920, 923 (Tex. 1996) (privilege extends to entire communication, including facts contained therein).

You state the submitted information constitutes communications between attorneys in the city’s Law Department and city employees that were made for the purpose of facilitating the rendition of professional legal services to the city. You also state the communications were intended to be confidential and have remained confidential. Based on your representations and our review, we find the city may withhold the submitted information under section 552.107(1) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jesse Harvey
Assistant Attorney General
Open Records Division

JH/gw

Ref: ID# 708390

Enc. Submitted documents

c: Requestor
(w/o enclosures)

Casa de Luz 1701 Toomey Road Building and Fire Code Board Appeal

May 14, 2019

Stuart Harry Hersh Pro Bono Consultant shersh@austin.rr.com

512-587-5093

I am appealing the Director of Development Services and Building Official's decision to suspend and/or revoke and/or place Do Not Enter signs at Casa de Luz located at 1701 Toomey Road.

All of the documents presented at the 5/8/19 appeal hearing were secured prior to or subsequent to the Attorney General's letter of 3/28/18 (attached). The Attorney General's opinion is included in the Building and Standards Commission packet submitted to the BSC on 12/12/18 (pages 5-7) and to the Director and Building Official at the 5/8/19 appeal hearing.

The Building Official acknowledged at the 5/8/19 hearing that City staff has continued to refuse to accept a building permit application for a sprinkler system prior to my meeting with City staff on January 4, 2019. The reason for the denial was lack of certificate of occupancy for Casa de Luz. All departments finally concurred that certificates of occupancy did exist and the building permit application for the sprinkler system should be processed. Subsequent to that meeting we learned that the Building Official also required a structural engineer's report and an asbestos survey which were procured by the owner and provided to the Building Official.

- 1. I am asking you to rescind the suspension of the certificates of occupancy for the assembly building/cafeteria located at the back of 1701 Toomey Road known as Casa de Luz. The 3/28/19 letter established 60 day and 90 day deadlines that must be met or suspension or revocation may occur. Assuming weather is not an impediment, the owner of Casa de Luz has instructed the design team and contractors to meet those deadlines so that suspension or revocation does not occur.**
- 2. I am asking you not to revoke the certificates of occupancy on June 1, 2019 as the 5/2/19 notice suggests.**
- 3. I am asking you to direct City staff not to place Do Not Enter signs or disconnect utilities until all appeal hearings at the Building and Standards**

Commission, the Building and Fire Code Board of Appeals, and the City Council and final decisions made.

4. I am asking you to find that I have requested approval of sprinkler plans and a temporary building permit for installation and connection of the sprinkler system since January 16, 2014 (attached).
5. I am asking you to find that commercial building plans were approved by Development Services on 4/1/19 and by the Fire Department 4/2/19, and by Commercial Zoning Review on 3/25/19 (copy attached). Yet no temporary building permit has been issued that would allow for City inspections while plumbing review is pending concerning how the system will be drained during testing.
6. I am asking that you find the plumbing permit for the fire line was approved on 1/3/19.
7. I am asking that you find that a site plan exemption was approved on 12/28/18. The Fire Department representatives in the May 8, 2019 hearing declared their support for the Building Official to suspend the certificates of occupancy based on a claim that the requested site plan exemption was approved in March 2018. While it is true that the site plan exemption for the sprinkler system was authorized in March 2018, the actual site plan exemption was not approved until 12/28/18 according to Austin Build and Connect (attached).
8. I am asking that you find that the proposed fire tap to an existing 12-inch water line was approved on 12/18/18 and has been installed and approved.
9. I am asking that you find that required structural engineer and asbestos reports have been submitted and accepted.
10. I am asking that you find that Development Services has received four (4) copies of a requested survey and that the Transportation Department has received its one (1) requested copy for parking analysis.

Given the City refusal since 2013 to issue a temporary building permit when phased approval is allowed under the adopted International Building Code and could be responsive to the requirement for Casa de Luz to secure all required permits and all required inspections, I request that you authorize required City inspections before all appeal hearings have been conducted and final decisions made.

BACK GROUND

Austin adopted its first Building Code on April 30, 1931 and created both an alternate method compliance and an appeals process. This code was based on the 1927 Uniform Building Code which Austin adopted throughout the last century. In this century, Austin adopted the International Building Code, International Fire Code, and International Property Maintenance Code with local amendments and other City Code provisions that granted due process rights to owners and their agents to submit alternate methods of compliance and appeals to an appeals board and ultimately in some circumstances to the City Council.

BUILDING AND STANDARDS COMMISSION

On November 29, 2018, I received a notice to appear on December 12, 2018 before the Building and Standards Commission. The notice highlighted the fact that the commission had the authority to issue a binding order to vacate. I appeared as requested and provided a status update under oath and under penalty of perjury. I testified that Casa de Luz was close to being in compliance and requested answers to several questions related to the case.

City staff did not request an Order to Vacate or receive an Order to Vacate. None of the questions posed have been answered to date. The Chair agreed to review my submittals and schedule a special called meeting of the Commission if necessary. Without a notice for a special called meeting or a regular meeting of the Building and Standards Commission and the issuance of an order to vacate, I was surprised to learn that City employees placed a Do Not Enter sign without an Order to Vacate on May 3, 2019. I appealed that decision by e-mail and voice mail and the signs were replaced that afternoon.

On February 8, 2018, I appealed the notice of intent to revoke the certificate of occupancy if a corrected site plan was not filed by 3/9/18 and the 2/2/18 notice that a gated entrance was built without a required building permit. I was told that my appeal would not be heard until the certificate of occupancy was either suspended or revoked. No hearing at the Building and Fire Code Board of Appeals has been scheduled to date.

SUMMARY

Please review the documentation I have submitted and reverse the 5/2/19 notice to suspend certificates of occupancy at 1701 Toomey Road and approve the other actions I have requested.

From: shersh@austin.rr.com
To: "Diaz, Robyn" <Robyn.Diaz@austintexas.gov>, "rick.arzola@austintexas.gov" <rick.arzola@austintexas.gov>
Cc: "Lucas, Denise" <Denise.Lucas@austintexas.gov>, "Culver, Beth" <Beth.Culver@austintexas.gov>
Priority: Normal
Date: Friday May 10 2019 1:13:55PM


RE: Response to Appeal of Suspension of Certificate of Occupancy for the School Cafeteria Located at 1701 Toomey Rd.

Please schedule my appeal for the next meeting of the Building and Fire Code Board of Appeals
Stuart Harry Hersh 512-587-5093 6703 Woodhue Drive Austin TX 78745
Casa de Luz 1701 Toomey Road

From: "Diaz, Robyn"
To: "shersh@austin.rr.com"
Cc: Denise", Beth"
Sent: Friday May 10 2019 10:58:58AM
Subject: Response to Appeal of Suspension of Certificate of Occupancy for the School Cafeteria Located at 1701 Toomey Rd.

Mr. Hersh,
Attached is the memo providing a response to the appeal Interim Director Denise Lucas heard on May 8, 2019. We are mailing this memo to Mr. Longoria today.
Please let us know if you have questions.
Thank you,
Robyn

Robyn Díaz, MLS
Business Process Consultant
City of Austin Development Services Department
One Texas Center, 505 Barton Springs Road, 7th Floor
Office: 512.974.1638


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From: "Diaz, Robyn" <Robyn.Diaz@austintexas.gov>
To: "shersh@austin.rr.com" <shersh@austin.rr.com>
Cc: "Lucas, Denise" <Denise.Lucas@austintexas.gov>, "Culver, Beth" <Beth.Culver@austintexas.gov>
Priority: Normal
Date: Friday May 10 2019 10:58:58AM

Response to Appeal of Suspension of Certificate of Occupancy for the School Cafeteria Located at 1701 Toomey Rd.

Mr. Hersh,
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Please let us know if you have questions.
Thank you,
Robyn

Robyn Diaz, MLS
Business Process Consultant
City of Austin Development Services Department
One Texas Center, 505 Barton Springs Road, 7th Floor
Office: 512.974.1638

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CITY OF AUSTIN
Development
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

MEMORANDUM

TO: Eduardo Longoria, President
Shambala Corporation

FROM: Denise Lucas, Interim Director 
Development Services Department

DATE: May 10, 2019

SUBJECT: Response to Appeal of Suspension of Certificate of Occupancy for the School Cafeteria Located at 1701 Toomey Rd.

CERTIFIED: 7001 0360 0000 3565 5814

In response to your appeal to the accountable official heard on May 8, 2019, I have decided to affirm the department's decision to suspend the certificate of occupancy for the school cafeteria at 1701 Toomey Rd. based on the failure to demonstrate that the suspension was improperly issued and the failure to demonstrate that the statements of facts in the suspension notice are inaccurate.

The certificate of occupancy for the school cafeteria structure received under permits 1991-010757 BP and 1997-014303 BP was suspended on May 2, 2019, because the building violates provisions of Fire Code Section 503.1.1 (*Buildings and Facilities*) and Fire Code Section 503.2.1 (*Dimensions*). The aforementioned notice of suspension provides details of these violations.

The required actions to obtain compliance with the Fire Code listed in the notice of suspension issued on May 2, 2019, remain in effect. To remedy the violations, you must:

- Obtain a building permit for the installation of the fire sprinklers inside the school cafeteria building,
- Obtain and pass all necessary inspections from Development Services and Austin Fire Departments related to the installation of the fire sprinklers inside the school cafeteria building, and
- Complete construction of fire line and obtain all necessary inspections for plumbing permit 2019-000680.

As stated in the notice of suspension issued on May 2, 2019, if these actions are not completed by June 1, 2019, the certificate of occupancy will be revoked pursuant to City Code Section 25-1-416 (*Revocation after Suspension*).

While I understand that work has progressed toward obtaining compliance for the structure, I must uphold the Building Official's action to suspend the certificate of occupancy for the school cafeteria in light of the seriousness of the life safety issues which create a hazard for this building, adjacent structures, occupants, and emergency responders.

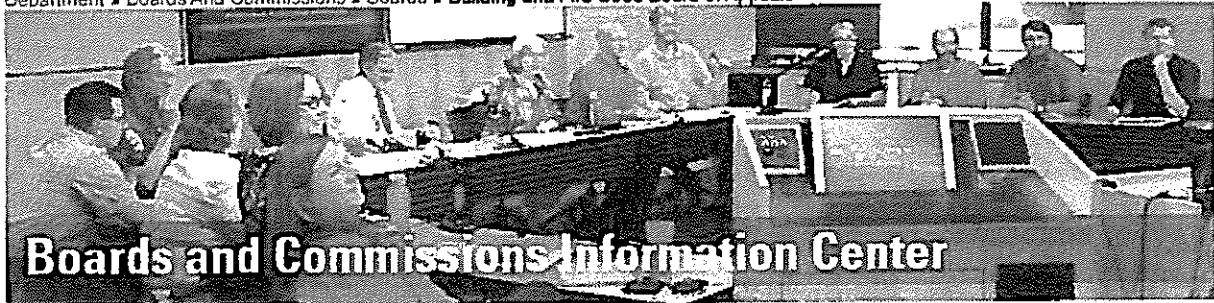
This decision is appealable to the Building and Fire Code Board of Appeals. If you wish to appeal this decision, please contact Rick Arzola at rick.arzola@austintexas.gov or by phone at 512-974-2417 to initiate and schedule the appeal.

xc: Stuart Hersh, consultant
 Beth Culver, Building Official and Acting Assistant Director, Development Services Department
 Chief Tom Vocke, Fire Marshal, Austin Fire Department
 Brent Lloyd, Development Officer, Development Services Department
 Daniel Word, Division Manager, Austin Code
 Chief Bret Carr, Austin Fire Department
 Matthew Noriega, Austin Code
 J. Rodney Gonzales, Assistant City Manager
 Rey Arellano, Assistant City Manager
 Cora Wright, Director, Austin Code
 Jose Roig, Assistant Director, Austin Code
 Patricia Link, Assistant City Attorney, Austin Code
 Andrew Linseisen, Assistant Director, Development Services Department

austintexas.gov

the official website of the City of Austin

Department » Boards And Commissions » Boards » Building and Fire Code Board of Appeals



BUILDING AND FIRE CODE BOARD OF APPEALS

Review any appeal filed in accordance with Title 25 (Land Development). Hear and decide appeals of orders, decisions, or determinations made by the building official relating to the application and interpretations of the Building Code and Fire Code. Section 2-1-121 of the City Code.

Meetings:

- Last Wednesday of the month, unless otherwise specified
- 1:30 p.m.
- See agenda or contact liaison for meeting location

Meeting Documents:

[View Agendas, Approved Minutes and Supporting Documents](#)

2019 Meeting Schedule:

- January 23, 2019 - Special Called - Cancelled
- February 27, 2019 - Special Called
- March 27, 2019 - Cancelled
- April 24, 2019 - Cancelled
- May 22, 2019
- June 28, 2019
- July 24, 2019
- August 28, 2019
- September 25, 2019
- October 23, 2019
- November 27, 2019
- December 18, 2019

Staff:

- Rick Arzola, Development Services Department, 512-974-2417
- Richard Anderson, Development Services Department, 512-974-1681

By-laws:

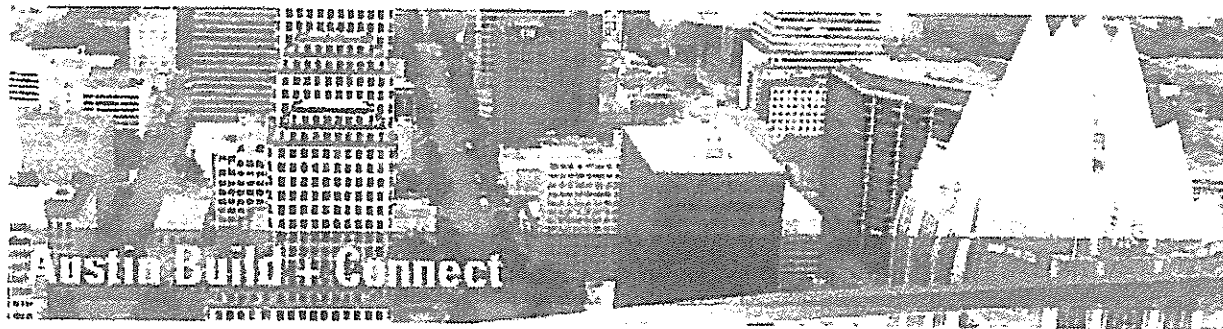
- By-laws: Building and Fire Code Board of Appeals, [PDF](#)
- Rules and Procedures for Public Hearings: Building and Fire Code Board of Appeals, [PDF](#)

Annual Reports:

§ 25-1-461 - APPEAL.

- (A) A person may appeal a stop work order, remove or restore order, revocation, or suspension issued under this division by giving written notice to the accountable official not later than the third day after:
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 - (3) the decision being appealed; and
 - (4) the reasons the decision should be set aside.
- (C) The accountable official shall hear the appeal not later than the third working day after the appeal is filed. The appellant, the appellant's expert, and the department may offer testimony to the accountable official.
- (D) The accountable official shall affirm or reverse the department's decision not later than the second working day after the hearing. The official shall give written notice of the decision and a statement of the reasons for the decision to the appellant.
- (E) The appellant may appeal the accountable official's decision to the Land Use Commission or appropriate technical board by giving written notice to the accountable official and the presiding officer of the Land Use Commission or appropriate technical board not later than the third working day after receiving notice of the decision. The notice of appeal must contain the information described in Subsection (B).
- (F) The Land Use Commission or appropriate technical board shall hear the appeal at the next regularly scheduled meeting following receipt of the notice of appeal. An appeal is automatically granted if the Land Use Commission or appropriate technical board does not hear the appeal before the 21st day following receipt of the notice of appeal.
- (G) A stop work order, remove or restore order, suspension, or revocation remains in effect during the pendency of an appeal under this section.

Source: Section 13-1-69; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

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FOLDER DETAILS

Permit/Case: 2018-133586 DA
Reference File Name: DA-2018-0721
Description: APPROVED EXEMPTION
Sub Type: Site Plan Determination/Exemption
Work Type:
Project Name: 1701 TOOMEY ROAD Unit A
Status: Agreed
Application Date: Aug 7, 2018
Issued: Dec 28, 2018
Expiration Date:
Related Folder: Yes

FOLDER INFO

Description	Value
Building Permit Required	
Description of Proposed Development	
Fee Applicable	

January 16, 2014

Fire Department

505 Barton Springs Road

Austin, TX 78704

Attn: Ralph Castillo

RE: Casa de Luz, 1701 Toomey Road, Austin, TX 78704

Dear Mr. Castillo:

On behalf of the owners of Casa De Luz located at 1701 Toomey Road, I am submitting revised plans which are responsive to your comments of 10/16/13 (attached) and clarifying e-mails (attached).

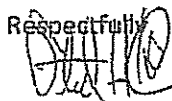
The owner recognizes that you have not specifically responded to his e-mail of 1/3/14 concerning replacing the existing deck with fire-resistant material, so this mail is an attachment to the plan submittal.

We are submitting revisions to the one set of plans that were submitted previously, as well as two additional copies of plans and revisions as you noted on 10/16/13.

In addition, we are providing you a copy of the 9/3/13 request to Greg Guernsey for a temporary building permit to install the fire sprinkler system once plans are approved.

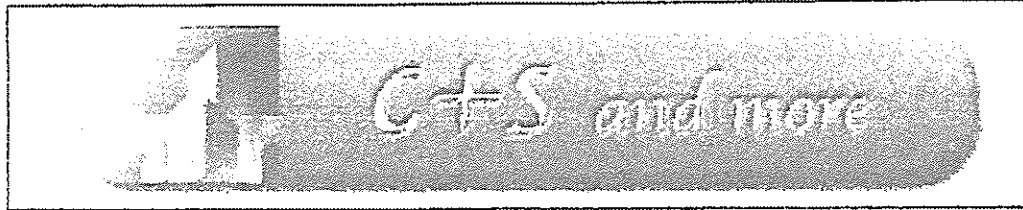
As registered agent for the owner, please let me know if you need additional information or if we have failed to provide you all the corrections you requested.

Respectfully,



Stuart H. Hersh, Consultant, 1307 Kinney Av #117, Austin, TX 78704-2279

shersh@austin.tx.com, 512-587-5093



ICC CODE CORNER

2015 International Fire Code®

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International Code Council (ICC)

503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:

1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section

903.3.1.1, 903.3.1.2 or 903.3.1.3.

1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.

1.3. There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.1.2 Additional access. The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096

Number	Pre	Street	StreetType	Dir	Unit Type	Unit Number	City	State	Zip	Legal Desc
1701		TOOMEY	RD				AUSTIN	TX	78704	Address

PEOPLE DETAILS

People Type	Name / Address	Phone
Applicant	ALLIANCE SAFETY AND FIRE PROTECTION LP 6 INDIAN MEADOWS DR ROUND ROCK TX 78665	(512) 966-4488
Billed To	ALLIANCE SAFETY AND FIRE PROTECTION LP 6 INDIAN MEADOWS DR ROUND ROCK TX 78665	(512) 966-4488

FOLDER FEES

Fee Description	Fee Amount	Balance
7 Day Review Fee	\$1,233.00	\$0.00
Commercial Plan Review Application Processing Fee	\$72.00	\$0.00
Development Services Surcharge	\$52.20	\$0.00

PROCESSES AND NOTES

Process Description	Status	Start Date	Scheduled End Date	End Date	Assigned Staff	# of Attempts
Coordinating Reviews	Awaiting Update	Mar 25, 2019	Apr 3, 2019		Jennifer Espinosa ((512)974-1667)	3
Commercial Building Plans	Approved	Apr 1, 2019	Apr 2, 2019	Apr 1, 2019	Tera Villaret (512-974-2361)	1
Building Plans - Plumbing	Rejected	Mar 26, 2019	Apr 2, 2019	Mar 26, 2019	William Waters (512-974-2053)	1
Commercial Zoning Review	Approved	Mar 25, 2019	Apr 2, 2019	Mar 25, 2019	Coordinator Reviewers	1
Fire	Approved	Apr 3, 2019	Apr 2, 2019	Apr 3, 2019	Sonny Pelayo (512-974-0194)	1
Plan Review Administration	Open					0

FOLDER ATTACHMENT

Description	Detail	Download
Special Inspections Form	Special Inspections Form	Download



March 2, 2018

Stuart Hersh
6703 Woodhue Drive
Austin, TX 78745

RE: Approval of a Site Plan Exemption to allow for the submittal and approval of a Building Permit to install a fire sprinkler system at 1701 Toomey Rd (Casa de Luz)

Dear Mr. Hersh,

This letter is in response to our meeting on February 28, 2018 to discuss an agreeable solution for the Fire Code violations at 1701 Toomey Rd., Austin, TX, also known as Casa de Luz.

I have discussed the proposal with staff at the Development Assistance Center. The City will approve a Site Plan Exemption for the installation of the fire sprinkler system with the following conditions:

- Your submittal of a current and accurate site plan layout.
- The exemption is for the sole purpose of installing a fire sprinkler system for a school cafeteria and that it does not constitute an approval of the current site plan or use of the building.

This approval will allow for the submittal of plans for review and the ability to obtain the necessary permits for the installation of the fire sprinkler system as an alternate method of compliance to meet the requirements of the Fire Code.

Completion of that work will suffice to eliminate the life/safety violations. You will have to work separately to obtain approval of the site plan. Other violations related to unpermitted structures, uses and parking will have to be addressed separately from this submittal.

We understand that you will need time to prepare plans, get approval, secure bids, select a contractor and complete the installation. Please submit a reasonable timeline that we can all agree to in order to stop any further actions related to the Suspension of the Certificate of Occupancy.

Please feel free to contact me if you have any questions or concerns.

Respectfully,

José G. Roig, CBO
Building Official
Development Services Department

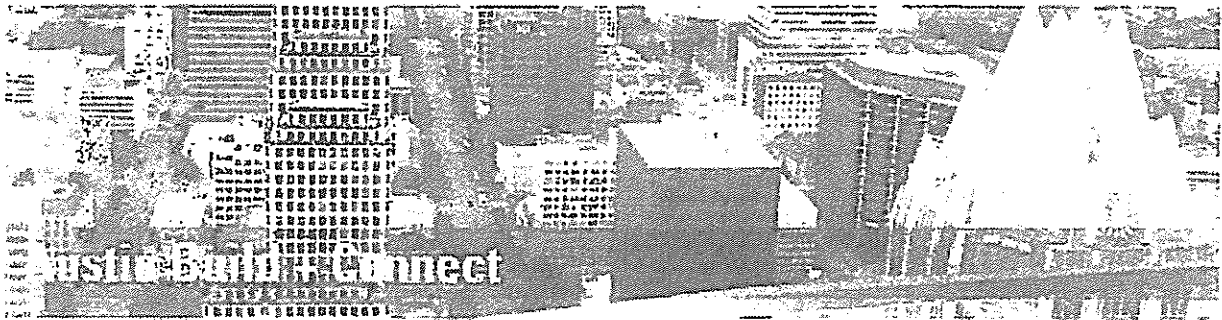
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To view permit details, click on the Case/Permit Number

PERMIT INFORMATION

	Permit/Case	Reference File Name	Description	Sub Type / Work Type	Project Name	Status	Related Folder
1	2018- 160624 DA	DA-2018- 0856	denied exemption	Site Plan Determination/Exemption /	1701 TOOMEY ROAD Unit A	Review Completed	No
2	2018- 160903 DA	DA-2018- 0855	denied exemption	Site Plan Determination/Exemption /	1701 TOOMEY ROAD Unit A	Review Completed	No
3	2018- 160352 DA	DA-2018- 0854	denied exemption	Site Plan Determination/Exemption /	1701 TOOMEY ROAD Unit A	Review Completed	No
4	2018- 134767 TPRS		Proposed fire tap to an existing 12-inch water line.	R- 101 Single Family Houses / New	1701 TOOMEY ROAD Unit A	Awaiting Update	No
5	2018- 133569 DA	DA-2018- 0721	denied exemption		1701 TOOMEY	Review Completed	No